

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DENNIS E. JONES-EL,

Petitioner,

v.

Case No. 07-C-0680

WILLIAM POLLARD, Warden,

Respondent.

ORDER RE: PETITIONER'S RULE 7.4 EXPEDITED NON-DISPOSITIVE MOTION

Currently pending before the court in this federal habeas corpus proceeding is petitioner Dennis Jones-El's Rule 7.4 Expedited Non-Dispositive Motion, which was filed, along with a supporting affidavit, on December 21, 2007. The respondent has not filed any response to the motion.

As best as the court can determine, Jones-El is asking that the court issue an order directing prison authorities to release and send to the court copies of certain maps of Racine and Kenosha, Wisconsin, "showing how law enforcement exceeded their employment and jurisdiction as a part of the illegality of the arrest against [the petitioner], which is at issue in this case." (Pet'r's Aff. ¶ 2.) According to Jones-El, he intended the maps to be filed along with his motion for an evidentiary hearing (which motion was filed on December 11, 2007), but the prison authorities would not allow the maps to be sent to the court without a court order.

Jones-El further claims that the maps "are suppose to be a part of the record, are now being withheld by WSPF staff, and petitioner does plan to reassert the facts and exhibits now withheld after

the complete record is provided by respondent.” (Mot. at 2.) The petitioner is concerned that “WSPF staff will destroy [the maps] unless this order issues. This is the only reason this motion is being filed.” (Mot. at 2.)

In its order of December 12, 2007, this court denied without prejudice Jones-El’s motion for an evidentiary hearing. If in the future, the court becomes persuaded that an evidentiary hearing is necessary, then the petitioner may renew his request for an order requiring that the maps of Racine and Kenosha about which he is concerned be filed with the court. Indeed, the court notes that judicial notice may be taken of maps of Racine and Kenosha if it becomes necessary to do so. *See* Fed. R. Evid. 201. Such being the case, Jones-El’s Rule 7.4 Expedited Non-Dispositive Motion will be denied without prejudice.

NOW THEREFORE IT IS ORDERED that the petitioner’s Rule 7.4 Expedited Non-Dispositive Motion be and hereby is **DENIED WITHOUT PREJUDICE**.

SO ORDERED this 10th day of January 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge